

**REISSUE PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Broadening Reissue Application of

Kenji NISHI and Naomasa SHIRAISHI

Group Art Unit:

Application No.: 09/989,470

Examiner:

Filed: November 21, 2001

Docket No.: 111164.99

For: ILLUMINATION OPTICAL APPARATUS USING DIFFERENT NUMBER OF  
LIGHT SOURCES UNDER DIFFERENT EXPOSURE MODES, METHOD OF  
OPERATING AND METHOD OF MANUFACTURING THEREOF

**REISSUE DECLARATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We, Kenji NISHI and Naomasa SHIRAISHI, hereby declare that:

1. We are citizens of Japan with the address as stated below next to our names.
2. We have reviewed and understand the contents of the specification and claims of the above-captioned reissue application and this reissue declaration.
3. We believe that we are the original, first and joint inventors of the invention described and claimed in this reissue application and in U.S. Letters Patent No. 5,991,009, which issued from U.S. Patent Application No. 09/127,625 filed August 3, 1998, which is a division of U.S. Patent Application No. 08/921,311, filed August 29, 1997 (now U.S. Patent No. 5,815,248), which in turn is a continuation of U.S. Patent Application No. 08/636,272, filed April 29, 1996, which in turn is a continuation of U.S. Patent Application No. 08/231,159, filed April 22, 1994.
4. We claim the priority benefits of the following applications: Japanese Patent Application No. 5-095930 filed in Japan on April 22, 1993; Japanese Patent Application No.

5-140579 filed in Japan on June 11, 1993; and Japanese Patent Application No. 5-144634 filed in Japan on June 16, 1993.

5. We acknowledge our duty to disclose information which is material to the examination of this reissue application in accordance with 37 C.F.R §1.56(a).

6. We consider U.S. Patent No. 5,991,009 (the 009 patent) to be partly inoperative by reason of claiming less than we had a right to claim because the original claims are unduly limited and may not provide an adequate scope of protection. For example, the three independent claims of the 009 patent (claims 1, 11 and 21) each recite: (i) a first exposure mode that employs a plurality of light sources, and (ii) a second exposure mode that employs one or more light sources whose number is smaller than the number of light sources employed in the first exposure mode. However, the invention is not limited to apparatus/methods that include first and second exposure modes that employ different numbers of light sources. Rather, the invention also pertains to illumination apparatus having various features, and that do not necessarily operate in the above described first and second exposure modes.

7. All errors being corrected in this reissue application up to the time of filing this declaration arose without any deceptive intention on our part.

8. We hereby revoke all prior powers of attorney and appoint the following as our attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office:

James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;

Kirk M. Hudson, Reg. No. 27,562; Thomas J. Pardini, Reg. No. 30,411;

Edward P. Walker, Reg. No. 31,450; Robert A. Miller, Reg. No. 32,771;

Mario A. Costantino, Reg. No. 33,565; Stephen J. Roe, Reg. No. 34,463;

Joel S. Armstrong, Reg. No. 36,430; Christopher W. Brown, Reg. No. 38,025; and

Richard E. Rice, Reg. No. 31,560.

All correspondence in connection with this application should be sent to Oliff & Berridge, PLC, P.O. Box 19928, Alexandria, Virginia 22320, telephone (703) 836-6400.

9. We have reviewed and understand the contents of this Reissue Declaration, and all statements made herein of our knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent reissued thereon.

Date: Feb 122/2002

Kenji Nishi  
Kenji NISHI

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2-3, Marunouchi 3-chome,  
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Date: Feb. 22, 2002

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**CONSENT OF ASSIGNEE TO REISSUE (37 C.F.R. §1.172(a))  
AND OFFER TO SURRENDER LETTERS PATENT (37 C.F.R. §1.178)**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

The Assignee, Nikon Corporation (by Assignment recorded in the U.S. Patent and Trademark office at Reel 7051, Frames 392-393), of U.S. Patent No. 5,991,009 (granted November 23, 1999) hereby consents to this reissue application.

In accordance with 37 C.F.R §1.178, Nikon Corporation hereby offers to surrender U.S. Letters Patent 5,991,009 upon allowance of this reissue application.

The undersigned hereby confirms that he has authority to sign this Consent on behalf of the Assignee.

Date: Feb 15, 2002

Signature: Yasujiro Hara

Yasujiro HARA

Title: Executive Vice President